

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Deandre Morrow,

5 Plaintiff

6 v.

7 Clark County School District Police
8 Department,

9 Defendant

Case No.: 2:20-cv-02264-JAD-EJY

**Order Adopting Report & Recommendation
in Part, Dismissing Complaint, and
Referring Amended Complaint to
Magistrate Judge for Screening**

[ECF No. 3]


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12 Plaintiff Deandre Morrow filed this action as a claim under Title VII of the 1964 Civil
13 Rights Act. Because he asks to proceed in forma pauperis, Magistrate Judge Elayna J. Youchah
14 screened his complaint, found that it fails to state a claim for relief, and recommends that I
15 dismiss this action with prejudice because Morrow's allegations that he was racially profiled
16 during a traffic stop by a Clark County School District officer do not give rise to an employment-
17 related claim under Title VII.¹ Morrow timely objects to that recommendation, explaining that
18 he filed his complaint using the wrong form and intended to file it as a 42 U.S.C. § 1983 civil-
19 rights claim instead.² Because Morrow timely brought this error to the court's attention and filed
20 a new form identifying his claim as one under § 1983, I will adopt the magistrate judge's
21 recommendation to dismiss but do so without prejudice. I instruct the Clerk of Court to rename
22 ECF No. 5 to "First Amended Complaint," and I refer that amended complaint to the magistrate
23 judge for screening under 28 U.S.C. § 1915. **Plaintiff is cautioned that screening of his**
24 **amended complaint will take MANY MONTHS.**

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27 ¹ ECF No. 3.

28 ² ECF No. 4.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
2 Recommendation [**ECF No. 3**] is **ADOPTED** in part. Plaintiff's complaint [ECF No. 1-1] is
3 DISMISSED without prejudice for failure to state a claim.

4 IT IS FURTHER ORDERED that the Clerk of Court is directed to **rename ECF No. 5** to
5 "**First Amended Complaint**" and refer it to the magistrate judge for screening under 28 U.S.C.
6 § 1915.

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8 U.S. District Judge Jennifer A. Dorsey
9 Dated: April 2, 2021
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